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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,673	02/09/2006	Akio Komatsu	06077/LH	3999
1933	7590	08/01/2007	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			WHITTINGTON, KENNETH	
220 Fifth Avenue			ART UNIT	PAPER NUMBER
16TH Floor			2862	
NEW YORK, NY 10001-7708			MAIL DATE	DELIVERY MODE
			08/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/567,673	KOMATSU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kenneth J. Whittington	2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 February 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 2/9/06.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure. The language should be clear and concise and should not repeat information given in the title.

- 6 It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because on line 1, it contains phrases that can be implied, i.e., "There 12 are provided". Simply removal of this language would overcome the objection. Correction is required. See MPEP § 608.01(b).

***Drawings***

Figures 1A, 1B and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.

- 18 See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the 24 applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP2001014029, hereinafter '029. Regarding this 12 claim, '029 discloses a magnetic sensor comprising:

a pair of magnetic detecting elements connected in series with each other, one of which serves as a sensing portion made to face a magnetic detecting medium, and the other serves as a temperature-compensating portion that is not affected by magnetism of said magnetic detecting medium (See '029 FIGS. 4, 18 5, 7 and 8, sensors 32 and 33, note sensor 32 is adjacent to medium 22N or 22S and 33 on the opposite side of the magnet 31 not affected by medium, and note sensors are serially connected as shown in FIG. 7);

a magnet that gives magnetic biases to said pair of magnetic detecting elements (See FIGS. 4 and 5, item 31); and 24 a detection circuit that applies DC voltage to between both ends of said pair of serially-connected magnetic detecting

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elements and detects a potential change of a common connection point of said magnetic detecting elements (See FIG. 7, note power source that 4 applies a voltage to sensors which is picked up by amplifier 5 for further processing, the amplifier 5 detects a potential from a common connection of sensors 32 and 6 33 as shown in FIG. 7).

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Okeya et al. (US5545983), hereinafter Okeya. Regarding this claim, Okeya discloses a magnetic sensor comprising:

12 first and second fixed resistors connected in parallel with an output line of DC power source (See Okeya FIGS. 1, 2 and 6, items R1 and R2 connected in parallel to output line node to amplifier 17);

a first magnetic detecting element connected in series with said first fixed resistor to function as a sensing portion made 18 to face a magnetic detecting medium (See FIGS. 1, 2 and 6, item 5);

a second magnetic detecting element connected in series with said second fixed resistor to function as a temperature-compensating portion that is not affected by magnetism of said magnetic detecting medium (See FIGS. 1, 2 and 6, item 6);

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a magnet that gives magnetic biases to said first and second magnetic detecting elements (See FIGS. 1, 2 and 6, item 4); and

a detection circuit that detects a potential change between a connection point of said first fixed resistor and said first 6 magnetic detecting element and that of said second fixed resistor and said second magnetic detecting element (See FIGS. 6 and 16, note circuit amplifier 17 and those circuit components receiving signal from amplifier 17 shown in FIG. 16).

### **Conclusion**

12 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US4754190 and US5128613 each disclose sensor arrangements having a pair of sensors positioned near a magnet to correct temperature offsets.

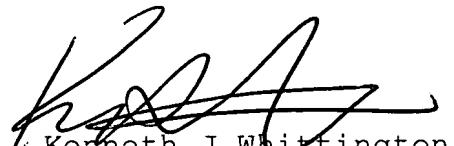
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth 18 J. Whittington whose telephone number is (571) 272-2264. The examiner can normally be reached on Monday-Friday, 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the

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organization where this application or proceeding is assigned is  
571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications 6 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would 12 like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kenneth J Whittington  
Examiner  
Art Unit 2862

kjw